

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )

Local Exchange Carriers' Rates,  
Terms, and Conditions for  
Expanded Interconnection Through  
Virtual Collocation for Special  
Access and Switched Transport )

CC Docket No. 94-97,  
Phase II

To: The Common Carrier Bureau

DOCKET FILE COPY ORIGINAL

**OPPOSITION OF MFS COMMUNICATIONS COMPANY, INC. TO  
SOUTHWESTERN BELL TELEPHONE COMPANY'S PETITION  
FOR A CONDITIONAL EXTENSION**

MFS Communications Company, Inc. ("MFS"), by its undersigned counsel and pursuant to Section 1.45(a) of the Commission's Rules, 47 C.F.R. § 1.45(a), hereby submits its opposition to Southwestern Bell Telephone Company's ("SWBT's") Petition for a Conditional Extension filed on October 6, 1995. SWBT seeks an extension of time to file a complete response to Appendix C of the Commission's *Order Designating Issues for Investigation*.<sup>1/</sup> For the reasons explained below, the Commission should not allow SWBT to employ procedural tactics that only further delay Commission review of SWBT's collocation rates.

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<sup>1/</sup> *Order Designating Issues For Investigation*, DA 95-2001 (released September 19, 1995).

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In its *Order Designating Issues for Investigation*, the Commission established a filing schedule that requires local exchange carriers ("LECs")<sup>2/</sup> to file their direct cases by October 19, 1995, interested parties to file oppositions by November 3, 1995, and LECs to file rebuttals by November 10, 1995. Without regard to this filing schedule, SWBT seeks to file its complete response to the information requested in Appendix C by November 6, 1995. This delay in filing critical collocation rate information would be prejudicial to MFS and other competitive local service providers interested in establishing collocation arrangements with SWBT. Such a delay also would severely disrupt the filing schedule set by the Commission, resulting in a further delay in reviewing SWBT's collocation rates.

SWBT argues that an extension of time is "appropriate and warranted given the amount of information that has been requested."<sup>3/</sup> SWBT, however, has been on notice since September 19, 1995 of the information that must be included in its direct case, and apparently, no other LECs have found it necessary to seek an extension.

SWBT -- the only LEC in the country that has elected to tariff individual interconnector-designated equipment ("IDE") rate elements -- now complains about the burden of providing the required cost information to support these rate elements. The unique rate structure chosen by SWBT is enormously burdensome to competitive local service providers

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<sup>2/</sup> The LECs subject to the Commission's Order include: Ameritech Operating Companies; Bell Atlantic Telephone Companies; BellSouth Telecommunications, Inc.; Cincinnati Bell Telephone Companies; GTE System Telephone Companies; GTE Telephone Operating Companies; Southwestern Bell Telephone Companies; United and Central Telephone Companies; and U S West Communications, Inc.

<sup>3/</sup> SWBT Petition at 1.

seeking expanded interconnection and has resulted in the highest collocation rates in the country. SWBT should not now be permitted to rely on this unreasonable rate structure to effect a delay in the pending investigation of its tariff. If SWBT allowed interconnectors to purchase their own equipment and sell or lease this equipment back to SWBT -- as *all* other LECs permit -- then it would not need to seek an extension due to its inability to provide critical cost information in its direct case as required by the Commission.

The Commission does not routinely grant requests for extension of time.<sup>4/</sup> There are not compelling reasons for granting SWBT an extension of time to comply with the Commission's *Order Designating Issues for Investigation*. A further delay in SWBT providing information on its collocation rates would be highly prejudicial to MFS and others who have endured years of LEC efforts to inhibit competition and the establishment of reasonable collocation arrangements.

If, however, the Commission determines that an extension of time is warranted, SWBT should, at a minimum, be required to provide cost data for all equipment manufactured by Fujitsu Network Switching of America referenced in its tariff no later than October 19, 1995.

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<sup>4/</sup> 47 C.F.R. § 1.46(a).

Furthermore, if an extension is granted, then equity demands a similar extension for any comments opposing SWBT's filing.

Respectfully submitted,

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Dated: October 16, 1995

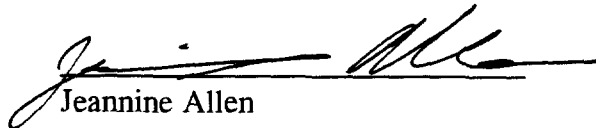
A handwritten signature in dark ink, appearing to read "Andrew D. Lipman", written over a horizontal line.

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of October 1995, copies of the foregoing  
OPPOSITION OF MFS COMMUNICATIONS COMPANY, INC. TO SOUTHWESTERN  
BELL TELEPHONE COMPANY'S PETITION FOR A CONDITIONAL EXTENSION were  
sent via Messenger\* or via First-Class mail, U.S. postage prepaid, to the persons on the  
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